

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RRF BUILDING, LLC, and SOPHIE  
MARIE LONGFORD,**

Plaintiff

Civil Action No. 1:23-CV-0341

v.

**EXCEL DEVELOPMENT GROUP,  
NETANEL INVEST USA, INC., and  
MICHAEL HELETZ,**

Electronically Filed

Defendant

**MOTION TO WITHDRAW AS COUNSEL**

Joshua L. Schwartz, Esquire, Justin Tomevi, Esquire, and Barley Snyder, LLP hereby move to withdraw as counsel in the above-captioned matter pursuant to Local Rule 83.15 and the Pennsylvania Rules of Professional Conduct, as adopted under Local Rule 83.23.2.<sup>1</sup>

Undersigned counsel first notified Defendants of the intention to withdraw, unless certain obligations were met, on November 10, 2023. A final communication

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<sup>1</sup> Specifically, counsel seeks withdrawal under Professional Conduct Rules 1.16(b)(4) (“[A] lawyer may withdraw from representing a client if . . . the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement”) and 1.16(b)(5) (under which withdrawal is appropriate when “the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled). Counsel is not providing further detail at this time so as to protect the client’s rights to confidentiality, pursuant to Rule of Professional Conduct 1.6.

was sent February 1, listing February 8 as the final deadline for Defendants to meet their obligations to counsel and avoid withdrawal.

As case management deadlines have been stayed, withdrawal will not materially prejudice the Defendants or unduly delay the litigation. Plaintiff's counsel has indicated that they have no objection to the Motion. Defendants have indicated that they do oppose this Motion.

WHEREFORE Joshua L. Schwartz, Esquire, Justin Tomevi, Esquire, and Barley Snyder, LLP, respectfully request that they be permitted to withdraw as counsel for Defendants Excel Development Group, Netanel Invest USA, Inc., and Michael Heletz, and these defendants shall be permitted to retain new counsel.

Respectfully submitted,

BARLEY SNYDER

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*/s/ Joshua L. Schwartz*

Joshua L. Schwartz, Esquire  
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Justin Tomevi, Esquire  
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## CERTIFICATE OF SERVICE

I hereby certify that this Motion to Withdraw was filed electronically and is available for viewing and downloading on the Court's CM/ECF system this 12<sup>th</sup> day of February, 2024.

In addition, a copy of this Motion was sent via email and mail to Defendants as follows:

c/o Michael Heletz  
116-55 Queens Boulevard, Suite 206  
Forest Hills, NY 11375  
heletz@exceldevgroup.com

BARLEY SNYDER

/s/ Joshua L. Schwartz

Joshua L. Schwartz, Esquire  
Attorney I.D. #308189  
Attorneys for Defendants Excel  
Development Group, Netanel Invest USA,  
Inc., and Michael Heletz

**CERTIFICATE OF CONCURRENCE/NONCONCURRENCE**

I, Joshua L. Schwartz, Esquire, hereby certify that I contacted Plaintiffs' attorney, Stephen R. McDonald, Esquire, and he indicated that Plaintiffs do not object to this Motion.

I also contacted Defendants, through Defendant Michael Heletz, and he indicated that he does not concur in this Motion.

BARLEY SNYDER

/s/ Joshua L. Schwartz

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